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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,333	03/18/2004	Takeshi Idemura	1232-5343	7006
27123	7590	04/02/2009		
MORGAN & FINNEGAN Transition Team C/O Locke Lord Bissell & Liddell 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER KHAN, USMAN A	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 04/02/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Shopkins@Lockelord.com
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Office Action Summary

Application No.

10/804,333

Applicant(s)

IDEMURA ET AL.

Examiner

USMAN KHAN

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 18, 20 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 18, 20 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/20/2009 has been entered.

Response to Arguments

Applicant's arguments filed on 01/20/2009 with respect to claim 13 has been considered but is moot in view of the new ground(s) of rejection. Also, newly added claims 24 - 27 have been rejected as discussed below.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 01/20/2009 has been considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97.

Claim Objection

Claims 13, 24, and 26 are objected to because of the following informalities:
"allocated with each one of a" should be changed to -- allocated with one of a--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 18, 20, and 23 - 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Swayze (US Patent NO. 6,519,003).

Regarding claim 13, Swayze discloses an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens (figure 3 item 14 and column 5 lines 5 *et seq.*);

a first function switch configured to be allocated with each one of a plurality of functions selectively (figure 3 item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

an operation switch operated to allocate the one of the plurality of functions to the first function switch for enabling performance of the function allocated to the first

function switch in response to an operation of the first function switch (figures 2 and 3 item 70); and

a display member which displays information on the function allocated to the first function switch (figure 3 item 146; also, column 5 lines 43 *et seq.*).

Regarding **claim 18**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches an image-taking system (figures 2 and 3) comprising: the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens (figure 2 item 42).

Regarding **claim 20**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches operation apparatus according to claim 13 (please see discussion of claim 13 above), further comprising a second function switch (figure 3 item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*), wherein the operation switch is capable of allocating another function of the plurality of functions to the second function switch (figure 3 item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*), and wherein the display member simultaneously displays the functions allocated to the first and second function switches (figure 3 item 146; also, column 5 lines 43 *et seq.*).

Regarding **claim 23**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches a camera

(figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Regarding claim **24**, Swayze discloses an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens (figure 3 item 14 and column 5 lines 5 *et seq.*); a first function switch configured to be allocated with each one of a plurality of functions selectively (figure 3 item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*); an operation switch operated to allocate the one of the plurality of functions to the first function switch for enabling performance of the function allocated to the first function switch in response to an operation of the first function switch (figures 2 and 3 item 70); and a display member which displays information on the function allocated to the first function switch (figure 3 item 146; also, column 5 lines 43 *et seq.*), wherein the zooming switch, the first function switch and the operation switch are separate switches (figure 3).

Regarding **claim 25**, as mentioned above in the discussion of claim 24 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches a camera (figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the

zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Regarding claim **26**, Swayze discloses an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens (figure 3 item 14 and column 5 lines 5 *et seq.*); a first function switch configured to be allocated with each one of a plurality of functions selectively and to be set so as to be allocated with no function (figure 3 item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*); an operation switch operated to allocate the one of the plurality of functions to the first function switch for enabling performance of the function allocated to the first function switch in response to an operation of the first function switch, and operated to set the first function switch so as to be allocated with no function (figures 2 and 3 item 70); and a display member which displays information on the function allocated to the first function switch (figure 3 item 146; also, column 5 lines 43 *et seq.*).

Regarding **claim 27**, as mentioned above in the discussion of claim 26 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches a camera (figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsunefuji (US patent No. 5,594,517) teaches a control unit connected to a zoom lens which includes with a display.

Senda (US PgPub No. 2002/0130962) teaches a control unit connected to a zoom lens which includes with a display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to USMAN KHAN whose telephone number is (571)270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

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03/19/2009
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